

U.S. Serial No. 10/667,462
Atty. Dkt. No. 077319-0382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David W. LEUNG *et al.*

Title: HUMAN LYSOPHOSPHATIDIC
ACID ACYLTRANSFERASE
GAMMA-2 POLYPEPTIDE (As
Amended)

Appl. No.: 10/667,462

Filing Date: 09/23/2003

Examiner: David J. Steadman

Art Unit: 1652

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, CELL THERAPEUTICS, INC., having a principal place of business at 501 Elliott Avenue West, Suite 400, Seattle, Washington 98119, respectively, represent that they are the owners of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/667,462, filed September 23, 2003, which is a divisional of U.S. Patent Application No. 09/970,989, filed October 5, 2001, which is now U.S. Patent No. 6,670,143, which is a divisional of U.S. Patent Application No. 09/215,252, filed December 18, 1998, which is now U.S. Patent No. 6,300,487, which is a continuation-in-part of U.S. Patent Application No. 08/618,651, which is now U.S. Patent No. 6,136,964 by virtue of an Assignment filed and recorded on March 19, 1996, on Reel/Frame 008005/0734, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A.

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Further, your Petitioners represent that they are the owners of co-pending application Serial No. 10/667,494, filed on September 23, 2003, by virtue of an Assignment filed and recorded on May 13, 1999, on Reel/Frame 009948/0087, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, CELL THERAPEUTICS, INC., hereby disclaim the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Serial No. 10/667,494, and hereby agree that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Serial No. 10/667,494 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified patent application, prior to the full statutory term of U.S. Serial No. 10/667,494 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Serial No. 10/667,494 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Serial No. 10/667,494 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Serial No. 10/667,494, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without

U.S. Serial No. 10/667,462
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waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Serial No. 10/667,494 rests with Petitioner, CELL THERAPEUTICS, INC. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date October 18, 2005

By S. Bent

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

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Total Assignments: 1**Patent #:** 6136964**Issue Dt:** 10/24/2000**Application #:** 08618651**Filing Dt:** 03/19/1996**Inventors:** DAVID W. LEUNG, JAMES W. WEST, CHRISTOPHER K. TOMPKINS**Title:** MAMMALIAN LYSOPHOSPHATIDIC ACID ACYLTRANSFERASE**Assignment: 1****Reel/Frame:** 008005/0734**Recorded:** 03/19/1996**Pages:** 2**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** LEUNG, DAVID W.**Exec Dt:** 03/19/1996WEST, JAMES W.**Exec Dt:** 03/19/1996TOMPKINS, CHRISTOPHER K.**Exec Dt:** 03/19/1996**Assignee:** CELL THERAPEUTICS, INC.

SUITE 400

201 ELLIOTT AVENUE WEST

SEATTLE, WASHINGTON 98119

Correspondent: CELL THERAPEUTICS, INC.

JEFFREY B. OSTER

LEGAL AFFAIRS

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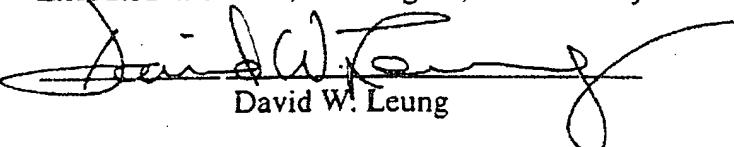
ASSIGNMENT

WHEREAS, We, David W. Leung, James W. West and Christopher K. Tompkins, residing at 7625 East Mercer Way, Mercer Island, Washington 98040, USA; 7539 19th Avenue NE, Seattle, Washington 98115, USA; and 17660 86th Avenue NE, Bothell, Washington 98011, USA, respectively, are the inventors named in a United States Patent Application entitled "**MAMMALIAN LYSOPHOSPHATIDIC ACID ACYLTRANSFERASE**", filed herewith on March 19, 1996;

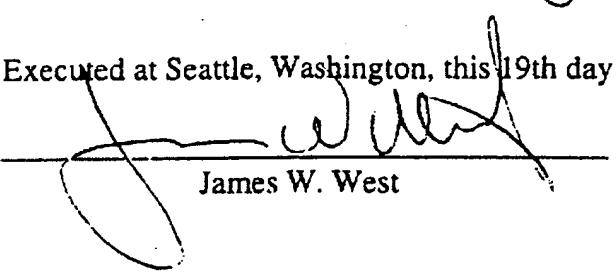
AND, WHEREAS, **CELL THERAPEUTICS, INC.**, a corporation of the State of Washington, having a principal place of business at 201 Elliott Avenue West, Seattle, Washington 98119, USA, (hereinafter referred to as **ASSIGNEE**) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said **ASSIGNEE**, our entire right, title to and interest in said application and said inventions and all applications and patent on said invention(s) to be held and enjoyed by **ASSIGNEE** as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as **ASSIGNEE** may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in **ASSIGNEE** legal title to said invention(s) and all applications and patents on said invention(s), all without charge to **ASSIGNEE** but at no expense to us.

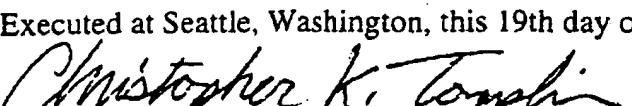
Executed at Seattle, Washington, this 19th day of March, 1996.


David W. Leung

Executed at Seattle, Washington, this 19th day of March, 1996.


James W. West

Executed at Seattle, Washington, this 19th day of March, 1996.


Christopher K. Tompkins



United States Patent and Trademark Office

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NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1**Patent #:** 6300487 **Issue Dt:** 10/09/2001 **Application #:** 09215252 **Filing Dt:** 12/18/1998**Inventors:** DAVID W. LEUNG, DANIEL ADOUREL, DAVID HOLLENBACK**Title:** MAMMALIAN LYSOPHOSPHATIDIC ACID ACYLTRANSFERASE**Assignment: 1****Reel/Frame:** 009948/0087 **Recorded:** 05/13/1999 **Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** LEUNG, DAVID W. **Exec Dt:** 02/17/1999ADOUREL, DANIEL **Exec Dt:** 02/17/1999HOLLENBACK, DAVID **Exec Dt:** 02/17/1999**Assignee:** CELL THERAPEUTICS, INC.

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ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

CELL THERAPEUTICS, INC.
201 Elliott Avenue West, Suite 400
Seattle, Washington 98119

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

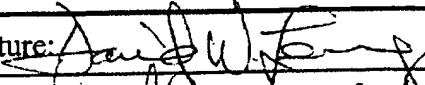
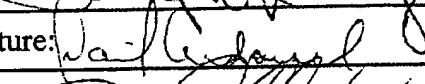
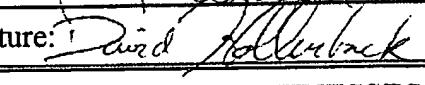
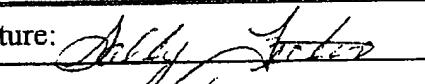
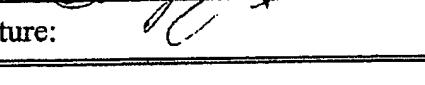
MAMMALIAN LYSOPHOSPHATIDIC ACID ACYLTRANSFERASE

as set forth in his United States Patent Application

— executed concurrently herewith
— executed on _____
X Serial No. 09/215,252, filed December 18, 1998

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the Assignee or any authorized agent of Assignee the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: David W. Leung	Signature: 	Date: 2/17/1999
Name: Daniel Adourel	Signature: 	Date: 2/17/99
Name: David Hollenback	Signature: 	Date: 2-17-99
NAMES AND SIGNATURES OF WITNESSES		
Name: Sally Teeters	Signature: 	Date: 2/17/99
Name:	Signature: 	Date:

Note: Prima facie evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

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